

Stip does not  
affect confirmed plan

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Josh Sumpter Jr. aka Josh Sumpter  
Debtor

CHAPTER 13

WILMINGTON TRUST, NATIONAL  
ASSOCIATION, AS SUCCESSOR TRUSTEE  
TO CITIBANK, N.A., AS TRUSTEE TO  
MERRILL LYNCH MORTGAGE INVESTORS  
TRUST, MORTGAGE LOAN ASSET-BACKED  
CERTIFICATES, SERIES 2006-HE5  
Secured Creditor

NO. 16-12644 ELF

vs.

11 U.S.C. Section 362

Josh Sumpter Jr. aka Josh Sumpter  
Debtor

William C. Miller Esq.  
Trustee

STIPULATION

AND NOW, it is hereby stipulated and agreed by and between the undersigned as follows:

1. The post-petition arrearage on the mortgage held by the Secured Creditor on the Debtor's residence is **\$2,404.00**, which breaks down as follows;

Post-Petition Payments:	February 1, 2019 at \$678.01/month
	March 1, 2019 to May 1, 2019 at \$687.59/month
Suspense Balance:	\$336.78
<b>Total Post-Petition Arrears</b>	<b>\$2,404.00</b>

2. On January 2, 2019, the Court entered an Order Granting Secured Creditor's Motion for Relief.

3. The parties now jointly agree that the Automatic Stay should be and is re-imposed.

4. The Debtor shall cure said arrearages in the following manner:

a) On or before May 31, 2019, Debtor shall make a down payment to pay the post-petition arrears of **\$2,404.00**.

5. Beginning with the payment due June 1, 2019 and continuing thereafter, Debtor shall pay to Secured Creditor the present regular monthly mortgage payment of \$687.59 (or as adjusted pursuant to the terms of the mortgage) on or before the first (1<sup>st</sup>) day of each month (with late charges being assessed after the 15<sup>th</sup> of the month).

6. Should Debtor provide sufficient proof of payments made, but not credited (front & back copies of cancelled checks and/or money orders), Secured Creditor shall adjust the account accordingly.

7. In the event the payments under Section 3 above are not tendered pursuant to the terms of this stipulation, Secured Creditor shall notify Debtor and Debtor's attorney of the default in writing and the Debtor may cure said default within FIFTEEN (15) days of the date of said notice. If Debtor should fail to cure the default within fifteen (15) days, Secured Creditor may file a Certification of Default with the Court and the Court shall enter an Order granting Secured Creditor immediate relief from the automatic stay and waiving the stay provided by Bankruptcy Rule 4001(a)(3).

8. If the case is converted to Chapter 7, Secured Creditor shall file a Certification of Default with the Court and the Court shall enter an order granting Secured Creditor relief from the automatic stay.

9. If the instant bankruptcy is terminated by either dismissal or discharge, this agreement shall be null and void, and is not binding upon the parties.

10. The provisions of this stipulation do not constitute a waiver by Secured Creditor of its right to seek reimbursement of any amounts not included in this stipulation, including fees and costs, due under the terms of the mortgage and applicable law.

11. The parties agree that a facsimile signature shall be considered an original signature.

Date: May 17, 2019

By: /s/ Rebecca A. Solarz, Esquire  
Attorney for Secured Creditor

Date: May 22, 2019

David M. Offen  
David M. Offen, Esquire  
Attorney for Debtor

Date: 6/10/19

William C. Miller  
William C. Miller, Esquire  
Chapter 13 Trustee

NO OBJECTION  
\*without prejudice to any  
trustee rights or remedies.

## ORDER

Approved by the Court this 13th day of June, 2019. However, the court retains discretion regarding entry of any further order.



\_\_\_\_\_  
Bankruptcy Judge  
Eric L. Frank